

NOV 3 - 2006

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Patrick Callaghan et al.

Docket No.

END919990068US1

Application No.
09/668,212Filing Date
09/22/00Examiner
Cesar B. PaulaGroup Art Unit
2178

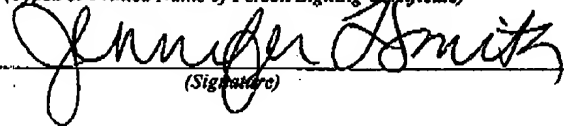
Invention: AUDIBLE PRESENTATION AND VERBAL INTERACTION OF HTML-LIKE FORM CONSTRUCTS

I hereby certify that this Response to Notification of Non-Compliant Appeal Brief, Copy of Appeal Brief,
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is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:	:	Group Art Unit: 2178
Patrick Callaghan et al.	:	Examiner: Cesar B. Paula
Serial No.: 09/668,212	:	IBM Corporation
Filed: 09/22/2000	:	Intellectual Property Law
Title: AUDIBLE PRESENTATION AND	:	Department IQ0A/040-3
VERBAL INTERACTION OF HTML-LIKE	:	1701 North Street
FORM CONSTRUCTS	:	Endicott, NY 13760

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

This is a response to the Notification of Non-Compliant Appeal Brief dated October 20, 2006.

Patent Appeal Center Specialist, Timothy Cole, rendered the Notification of Non-Compliant Appeal Brief because there was no summary of independent claims 32 or 41, and no argument regarding independent claims 32 or 41. However, claims 32 and 41 are **not** being appealed. See Section III Status of Claims of the Appeal Brief which states, "Claims 23-28 and 30 are Appealed." Also, the Examiner has already Answered the Appeal Brief and found no problems with the form of the Appeal Brief. Therefore, Appellants request that the Notification of Non-Compliant Appeal Brief be withdrawn.

Respectfully submitted,

Date: *Nov 2 2006*
607-429-4368 (Phone)
607-429-4119 (Fax)

Arthur Samodovitz
Arthur Samodovitz
Reg. No. 31,297

09/668,212

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,212	09/22/2000	Patrick Callaghan	END919990068US1	9821
EXAMINER				
ART UNIT			PAPER NUMBER	

26502 7390 10/20/2006

IBM CORPORATION
IPLAW IQ0A/40-3
1701 NORTH STREET
ENDICOTT, NY 13760

DATE MAILED: 10/20/2006

Dec 11/20/06

Please find below and/or attached an Office communication concerning this application or proceeding.

22 OCT 06 21:22

--END IP LRS--

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/668,212	Applicant(s) CALLAGHAN ET AL.	
	Examiner Paula Cesar	Art Unit 2178	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 13 July 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items): *32 pages
not given*

1.) The summary of claimed subject matter must contain a concise explanation of each independent claim involved in the appeal. The brief fails to map independent claims (32.41) to the specification by page and line number and to the drawings, if any.

2.) The grounds of should contain the same grounds as those set forth in the final office action. Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. Any claim argued separately should be placed under a subheading identifying the claim by number.

TIM COLE
PATENT APPEAL CENTER SPECIALIST
Timothy Cole

Timothy Cole

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:	:	Group Art Unit: 2178
Patrick Callaghan et al.	:	Examiner: Cesar B. Paula
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FORM CONSTRUCTS	:	Endicott, NY 13760

Commissioner For Patents
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APPEAL BRIEF

I. Real Party in Interest

The real party in interest is International Business Machines Corporation.

II. Related Appeals and Interferences

There are no related appeals, interferences or other judicial proceedings.

III. Status of Claims

Claims 1-21, 29, 31 and 38 were previously canceled.

Claims 22-28, 30, 32-37 and 39-44 are pending.

Claims 23-28 and 30 are Appealed.

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IV. Status of Amendments

No Amendment was filed after Final Action.

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V. Summary of Claimed Subject Matter

Support in the specification for the claim elements is indicated in brackets [].

Independent claim 23 recites a method for completing a form. A client workstation stores an audiovisual form [100] in a written markup language [Page 5 line 1 to Page 6 line 3]. The form defines fields with respective headings and respective blank areas to be updated with text [Figure 1]. A web browser in the client workstation displays the form with the respective headings and respective blank areas to be updated with text, audibly reads one of the headings and waits for a user to audibly respond with corresponding text for the blank area associated with the one heading [Page 6 lines 14-20, Page 8 lines 17-24, Page 10 lines 3-6, Figure 3 steps 302-310]. While the browser audibly reads the one heading, without user selection of the one heading or the blank area associated with the one heading, the browser automatically displays a plurality of valid alternatives for the blank area associated with the one heading [Page 7 line 22 to Page 8 line 10]. One of the valid alternatives being the corresponding text [Page 7 line 22 to Page 8 line 10]. In response to the user speaking the corresponding text, the browser displays an updated state of the form with the one heading and with the corresponding text entered in the blank area associated with the one heading [Page 6 lines 14-20].

Claim 26, which depends on claim 23, recites that while the browser audibly reads the one heading, without user selection of the one heading or the blank area associated with the one heading, the browser automatically graphically indicates that the blank area associated with the one heading, and not any other blank area associated with any other heading, is currently waiting for the corresponding text from the user, and will include the corresponding text after spoken by the user [Page 7 line 22 - Page 8 line 6].

Independent claim 30 recites a method for completing a form [100]. A client workstation receives from a server via a network an audiovisual form in a written markup language [Page 5 line 1 to Page 6 line 3 and Figure 1]. The form includes fields with respective headings and respective blank areas to be updated with text [Page 5 line 1 to Page 6 line 3 and Figure 1]. A web browser in the client workstation displays the form with the respective headings and respective blank areas to be updated with text, audibly reads one of the headings and waits a predetermined time for a user to audibly respond with corresponding text for the blank area associated with the one heading [Page 6 lines 14-20, Page 8 lines 17-24, Page 10 lines 3-6, Figure 3 steps 302-310]. In response to lapse of the predetermined time, the web browser audibly rereads the one heading to remind the user to audibly respond with corresponding text for the blank area associated with the one heading [Page 8 lines 17-24, Page 10 lines 3-6, Figure 3 steps 302-310]. Instead of audibly responding with corresponding text for the blank area associated with the one heading, the user audibly responds with a spoken command for the browser to accept keyboard entry of the text for the blank area associated with the one heading [Page 9 lines 3-20, "KEYBOARD" command]. Based on the spoken command for the browser to accept the keyboard entry, the browser accepts subsequent keyboard entry of the text for the blank area associated with the one heading [Page 9 lines 3-20].

VI. Grounds of Rejection to be Reviewed on Appeal

Claim 23 was rejected under 35 USC 103(a) based on Uppaluru (US6,400,806) in view of O'Sullivan (US 5,493,608) and Dipaolo et al. (US5,367,619).

Claim 26 was rejected under 35 USC 103(a) based on Uppaluru in view of O'Sullivan and Dipaolo et al. (US 5,367,619).

Claim 30 was rejected under 35 USC 103(a) based on Uppaluru in view of O'Sullivan.

VII. Argument

35 USC 103(a) Rejection of Claim 23

Claim 23 was rejected under 35 USC 103(a) based on Uppaluru (US6,400,806) in view of O'Sullivan (US 5,493,608) and Dipaolo et al. (US5,367,619). Claim 23 recites:

"while said browser audibly reads said one heading, without user selection of said one heading or the blank area associated with said one heading, said browser automatically displaying a plurality of valid alternatives for said blank area associated with said one heading, one of said valid alternatives being said corresponding text".

The Examiner acknowledged that Uppaluru does not teach or suggest this, but cited Dipaolo et al. Dipaolo et al. teach that in response to a user selecting a field with a cursor, the system displays valid options.

"When the user selects a menu driven field, a window 15 is presented on the screen next to the current field. This window contains the menu 16 listing current, valid values for that field." Dipaolo et al. column 6 lines 19-23. (Emphasis added.)

Claim 23 recites two key differences over Dipaolo et al. Claim 23 recites that the alternatives are displayed while the web browser audibly reads the one heading. Claim 23 also recites that the alternatives are displayed **automatically without user selection of the one heading or the blank area associated with the one heading**. Diapaolo et al. do not teach or suggest these two features. Moreover, these two features would not have been obvious in view of Dipaolo et al. because the features relate to concurrent audio and visual rendering, whereas Diapaolo et al. are only concerned with visual rendering. Moreover, claim 23 combines two forms of rendering, i.e. audio and visual rendering, where the alternatives are displayed visually and the headings are rendered in audio. Also, temporal synchronization is provided in claim 23 between the audio rendering of the heading and the visual rendering of the alternatives, and this is not disclosed or even suggested in Diapaolo et al.

The Examiner did not actually cite O'Sullivan against any feature of claim 23. O'Sullivan pertain to a voice response system using a telephone, and discloses "If a caller makes an error in response to a voice message prompt or does not enter a response within the set response time, the voice response systems will generally repeat the voice message prompt and ask the caller to try again." Column 1 lines 63-66. However, O'Sullivan does not teach or even suggest the foregoing features of claim 23.

35 USC 103(a) Rejection of Claim 26

Claim 26, which depends on claim 23, was rejected under 35 USC 103(a) based on Uppaluru in view of O'Sullivan and Dipaolo et al. (US 5,367,619). Claim 26 recites:

"while said browser audibly reads said one heading, without user selection of said one heading or the blank area associated with said one heading, further comprising the step of:

said browser automatically graphically indicating that said blank area associated with said one heading, and not any other blank area associated with any other heading, is currently waiting for said corresponding text from said user, and will include said corresponding text after spoken by said user”.

The Examiner acknowledged that Uppaluru fails to teach this feature, but cited Dipaolo et al. Dipaolo et al. teach that in response to a user selecting a field with a cursor, the system displays valid options. Claim 26 has four key differences over Dipaolo et al. Claim 26 recites a graphical rendering that a blank area is awaiting text input. (Dipaolo et al. only disclose a visual text rendering of alternatives.) Claim 26 recites an *automatic*, graphical indication that the blank area associated with the one heading which is read is waiting for text input from the user and this graphical indication appears without user selection. (Dipaolo et al. display alternatives in response to user selection.) Also, claim 26 recites a combination of audio and visual rendering. (Dipaolo et al. only disclose visual rendering.) Also, claim 26 require synchronization of the audio reading of the heading and the visual rendering of the graphical indication.

Moreover, there is no suggestion in either Dipaolo et al. or Uppaluru that two forms of explanation are needed to notify the user of the waiting state of the blank area for a heading, both audio rendering of the heading and the graphical indication of the blank area. In addition, claim 26 depends on claim 23, so the foregoing features of claim 26 are in combination with the automatic display of alternatives of claim 23. Such combination was not taught or suggested by Uppaluru and/or Dipaolo et al.

35 USC 103(a) Rejection of Claim 30

Claim 30 was rejected under 35 USC 103(a) based on Uppaluru in view of O'Sullivan.
Claim 30 recites:

"a web browser in said client workstation displaying said form with the respective headings and respective blank areas to be updated with text, audibly reading one of said headings and waiting a predetermined time for a user to audibly respond with corresponding text for the blank area associated with said one heading ...

instead of audibly responding with corresponding text for the blank area associated with said one heading, **said user audibly responding with a spoken command for said browser to accept keyboard entry of the text for the blank area associated with said one heading,** and based on said spoken command for said browser to accept said keyboard entry, said browser accepting subsequent keyboard entry of the text for said blank area associated with said one heading." (Emphasis added.)

Neither Uppaluru nor O'Sullivan teaches or even suggests that an audible command is used to alert the web browser that in response to the web browser's audible rendering of the heading, the user will respond by keyboard entry. The Examiner acknowledges that Uppaluru does not teach this feature, but asserts "it would have been obvious to a person of ordinary skill in the art at the time of the invention to respond with a keyword from a keyboard entry, because this would provide the benefit to input a piece of text quicker than using the voice response." The Examiner has overlooked a key feature of claim 30. Claim 30 recites more than keyboard input in response to an audible reading of a heading. Claim 30 recites that after the audible reading of a heading and before the keyboard input for the corresponding field, the user speaks a command to alert the web browser that keyboard input will be forthcoming and should be accepted,

"said user audibly responding with a spoken command for said browser to accept keyboard entry of the text for the blank area associated with said one heading". (This is the "Keyboard" command" described on Page 9 lines 3-9).

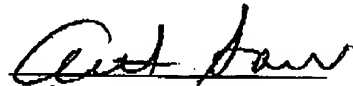
This feature is not taught or even suggested by Uppaluru, and even the Examiner's hindsight did not see it.

The Examiner cited O'Sullivan against a different feature of claim 30. O'Sullivan pertains to a voice response system using a telephone, and discloses "If a caller makes an error in response to a voice message prompt or does not enter a response within the set response time, the voice response systems will generally repeat the voice message prompt and ask the caller to try again." Column 1 lines 63-66. However, O'Sullivan does not teach or even suggest the foregoing features of claim 30.

Based on the foregoing, Appellants request that the Board reverse the rejection of claims 23-28 and 30.

Respectfully submitted,

Dated: Oct 10, 2006
Phone: 607-429-4368
Fax: 607-429-4119


Arthur J. Samodovitz
Reg. No. 31,297

VIII. Claims Appendix - Claims Subject to Appeal

23. A method for completing a form, said method comprising the steps of:

a client workstation storing an audiovisual form in a written markup language, said form defining fields with respective headings and respective blank areas to be updated with text;

a web browser in said client workstation displaying said form with the respective headings and respective blank areas to be updated with text, audibly reading one of said headings and waiting for a user to audibly respond with corresponding text for the blank area associated with said one heading; wherein while said browser audibly reads said one heading, without user selection of said one heading or the blank area associated with said one heading, said browser automatically displaying a plurality of valid alternatives for said blank area associated with said one heading, one of said valid alternatives being said corresponding text; and

in response to said user speaking said corresponding text, said browser displaying an updated state of the form with said one heading and with said corresponding text entered in said blank area associated with said one heading.

24. A method as set forth in claim 23 further comprising the steps of:

said browser updating the written markup language for said form to include said corresponding text for said blank area associated with said one heading; and

said browser sending said updated written markup language to a server via a network.

25. A method as set forth in claim 24 further comprising the steps of:

after said browser performs the steps of updating the written markup language for said form and displaying an updated state of the form with said one heading and with said

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corresponding text typed in said blank area associated with said one heading, said browser ceases to display said plurality of valid alternatives for said blank area, and subsequently, said browser audibly reading another of said headings and waiting for a user to speak another text for the blank area associated with said other heading, and in response to said user speaking said other text, said browser updating the written markup language for said form to include said other text for said blank area associated with said other heading and displaying an updated state of the form with said other heading and with said other text typed in said blank area associated with said other heading.

26. A method as set forth in claim 23 wherein while said browser audibly reads said one heading, without user selection of said one heading or the blank area associated with said one heading, further comprising the step of:

said browser automatically graphically indicating that said blank area associated with said one heading, and not any other blank area associated with any other heading, is currently waiting for said corresponding text from said user, and will include said corresponding text after spoken by said user.

27. A method as set forth in claim 23 further comprising the step of computer programming within said client workstation determining said corresponding text spoken by said user.

28. A method as set forth in claim 23 further comprising the steps of:

said browser responding to a spoken command by said user to skip entry of text into said blank area associated with said one heading and advance to a next one of said fields, said user speaking next text for a blank area of said next one of said fields, and in response to said user speaking said next text for said blank area of said next one of said fields, said browser updating the written markup language for said form to include said next text for said blank area for said next one of said fields and displaying an updated state of the form with said next text for said

blank area for said next one of said fields entered in said blank area for said next one of said fields.

30. A method for completing a form, said method comprising the steps of:

a client workstation receiving from a server via a network an audiovisual form in a written markup language, said form including fields with respective headings and respective blank areas to be updated with text;

a web browser in said client workstation displaying said form with the respective headings and respective blank areas to be updated with text, audibly reading one of said headings and waiting a predetermined time for a user to audibly respond with corresponding text for the blank area associated with said one heading; and in response to lapse of said predetermined time, said web browser audibly rereading said one heading to remind said user to audibly respond with corresponding text for the blank area associated with said one heading; and

instead of audibly responding with corresponding text for the blank area associated with said one heading, said user audibly responding with a spoken command for said browser to accept keyboard entry of the text for the blank area associated with said one heading, and based on said spoken command for said browser to accept said keyboard entry, said browser accepting subsequent keyboard entry of the text for said blank area associated with said one heading.

IX. Evidence Appendix

There is no evidence entered or relied upon in this Appeal

X. Related Proceedings Appendix

There have been no decisions rendered by a court or the Board in any proceeding, and therefore, no copies of any decision to include.